BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2022

CORAM:

THE HON-BLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD) No.16433 of 2022

T.Raju .. Petitioner

Vs

1.The Tahsildar,
Melur Taluk,
Madurai District.

2.The Taluk Surveyor,
Melur Taluk,
Madurai District. .. Respondents

Prayer :~ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the Respondents 1 and 2 to issue separate patta by demarcating the petitioner-s land having extent of 4004.25 square feet in the western side out of 8938.0 Square feet in the southern northern side of land having extent of 0.21.80 square feet comprised in Survey No.147/7A1 correlating from Survey No.147/7A correlating from 147/7 in Keelavalavu Village, Melur Taluk, Madurai North Sub Registration District, Madurai District, on the basis of the petitioner-s application dated 26.05.2022.
For Petitioner : Mr.R.Shankar Ganesh

For Respondents : Mr.M.Prakash
Additional Government Pleader

O R D E R

Heard the learned counsel on either side.

2. The petitioner seeks both issuance of patta as well as demarcation. The petitioner-s application for survey and demarcation shall be dealt with in the following manner:
(i) The survey authority will issue notice to the writ petitioner as well as the adjacent land owners and also to the interested persons, if any.
(ii) Enquiry shall be held. During enquiry, objections raised by the adjacent land owners / interested persons shall be considered.
(iii) If according to the jurisdictional authority, the objections are without any basis, the same shall be overruled and the objectors shall be informed accordingly. But the survey will be conducted only after a period

of six weeks so that the objector can move the concerned Court for injunction. If before the proposed date of survey, the objector is unable to obtain any injunction order, the survey can very well go on.
(iv) If the jurisdictional authority finds objections to be having substance, then, he shall call upon the applicant to move the jurisdictional civil Court for agitating his rights.
(v) If required, the survey authority is empowered to seek aid of the jurisdictional police and the jurisdictional police are mandated to grant police protection.
(vi) It is made clear that at the end of the survey exercise, survey stones alone can be installed. The exercise of survey and demarcation undertaken pursuant to the direction of this Court can never result in dispossession of any party. No person shall put up fencing at the time of survey by using police aid.
(vii) A copy of the survey report will be served on the parties also.

3. Based on the survey results and demarcation, the petitioner-s application for issuance of separate patta will be disposed of within a period of four weeks after the survey exercise is concluded.

4. With the above directions, this Writ Petition is disposed of. No costs.

29.08.2022
Index : Yes/No
Internet : Yes

abr

To

1.The Tahsildar,
Melur Taluk,
Madurai District.

2.The Taluk Surveyor,
Melur Taluk,
Madurai District.

G.R.SWAMINATHAN, J.

abr

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